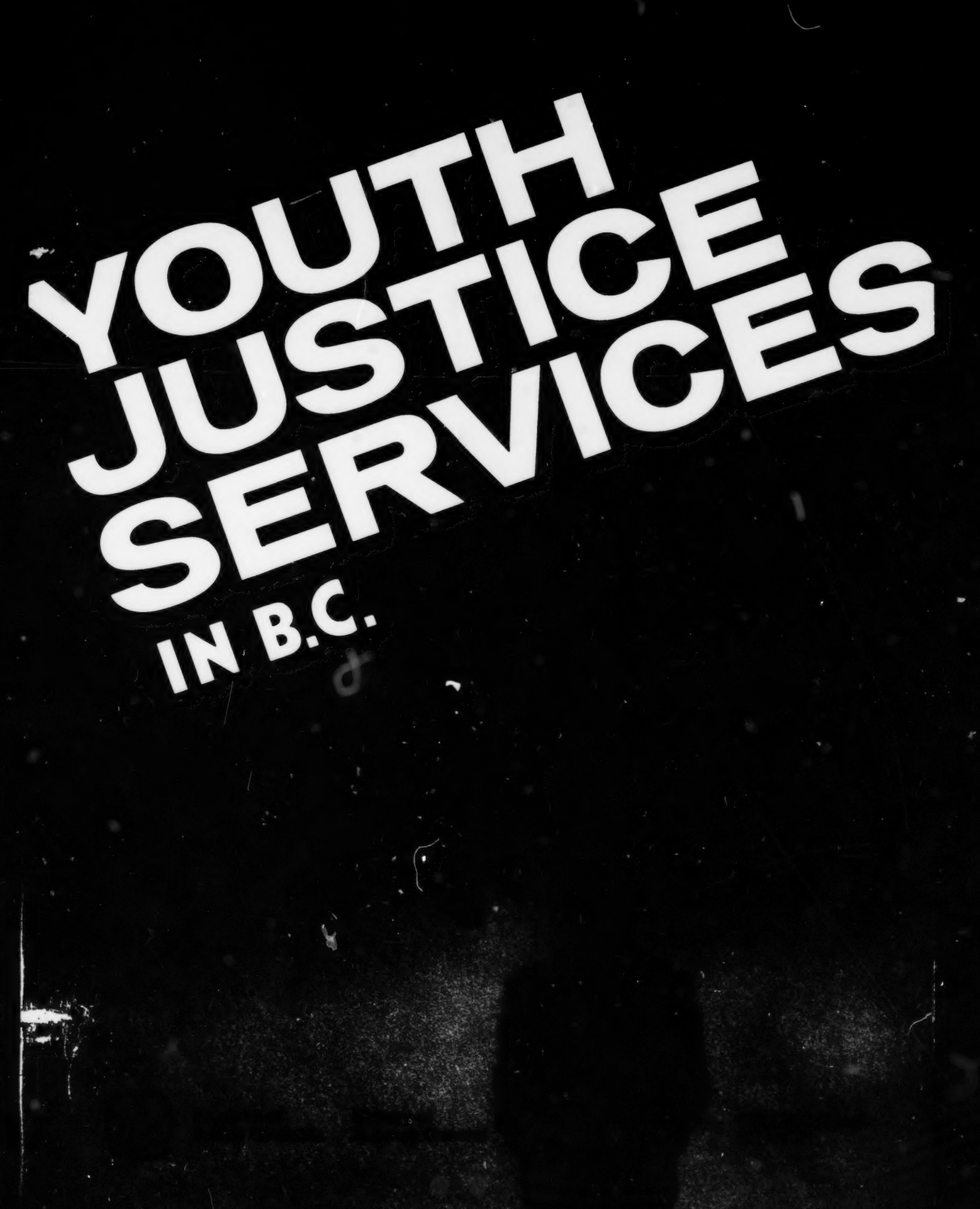
YOUTH JUSTICE SERVICES IN B.C.



87-02380/

YOUTH JUSTICE SERVICES
IN
BRITISH COLUMBIA

ISBN 0-7726-0590-4

1. Juvenile delinquents - Services for - British Columbia. 2. Rehabilitation of juvenile delinquents - British Columbia. I. British Columbia. Corrections Branch.

HV9109.B7Y68 1986 364.3'6'09711 C87-092015-4

Table of Contents

Introduction ____ A
Terminology ____ A

PART 1

A. The Young Offenders Act ____ 1

B. The Youth Justice System ____ 1
- Role of the Police ____ 2
- Role of Crown Counsel ____ 2
- Role of the Probation Officer ____ 3
- Role of the Courts ____ 4
- Role of the Defence Counsel ____ 5
- Role of the Social Worker ____ 6
- Role of Health Services ____ 6
- Role of Education ____ 7
- Role of Private Agencies and Organizations ____ 7
- Community Involvement ____ 7
- Justice System Records ____ 8
- Role of the Federal Government ____ 8
- Conclusion ____ 8

PART 2

Provincial Programs ____ 10

A. Attorney General ____ 10
- Alternative Measures ____ 10
- Temporary Detention ____ 10
- Probation ____ 11
- Community Service ____ 12
- Custody ____ 12

B. Health ____ 13
- Forensic Psychiatric Services ____ 13
- Screening Services ____ 14
- Alternative Measures ____ 14
- Judicial Interim Release Supervision ____ 14
- Court Ordered Assessments ____ 14
- Custodial Services ____ 14
- Probation Supervision ____ 14
- Alcohol and Drug Programs ____ 15
- Adolescent Residential Treatment Services ____ 15

C. Education ____ 15

D. Social Services and Housing ____ 17
- Support Services ____ 17
- Rehabilitation Resources ____ 17
- Repatriation ____ 17
- Children in Care ____ 17

E. Interministry Coordination ____ 18

INTRODUCTION

This booklet is an overview of services provided by the Government of British Columbia for young persons in conflict with the law. It is primarily intended for use by government and private professionals who come into contact with young offenders. Published by the B.C. Corrections Branch, it includes not only justice services provided by the Ministry of Attorney General, but also related services provided to young persons and children by the ministries of Social Services and Housing, Health, and Education.

TERMINOLOGY

In this booklet, the terms "child" and "young person" are used in accordance with the definitions given in the **Young Offenders Act**; that is, a "child" is a person under the age of 12 years and a "young person" is between the ages of 12 and 17 inclusive.

Masculine terms are used to include the feminine unless the context indicates otherwise.

Part 1

THE YOUNG OFFENDERS ACT

Part 1

A. THE *YOUNG OFFENDERS ACT*(s)

The idea that young offenders should be treated differently by the justice system than adult offenders has been present and accepted in Canadian law since the late-19th century. First passed in 1908, the **Juvenile Delinquents Act** is remarkable for its longevity. It remained without major amendments until its repeal in 1984 and only faced significant criticism in its final two decades.

The first major consideration of reform began in 1961 with the appointment of the Department of Justice Commission on Juvenile Delinquency. Its 1965 report contained recommendations that are echoed 20 years later in the **Young Offenders Act** (YOA). In 1974, the federal government proposed a young offenders act, but it was not passed. Instead, another committee was formed by the Solicitor General to examine proposals for new legislation to replace the **Juvenile Delinquents Act.** Its 1975 report contained a draft "Young Persons In Conflict with the Law Act," which is very similar in many repects to the present YOA. More years of consultation and debate followed before Bill C-61 was introduced in February, 1981, and passed as the **Young Offenders Act** on 7 JUL 82. Because extensive preparations were needed to implement the Act, proclamation was delayed until 2 APR 84. Further time was allowed before the uniform age provisions came into force on 1 APR 85.

Enactment of the YOA represented a significant shift in the philosophy underlying the juvenile justice system. The **Juvenile Delinquents Act** emphasized a social welfare approach to the problems of young persons and children in conflict with the law. A child was not convicted of an offence but was adjudged to be in condition of delinquency and was required to be treated "not as a criminal, but as a misdirected and misguided child, and one needing aid, encouragement, help, and assistance." The YOA, although recognizing the special needs of young offenders and their lessened degree of accountability, places much more emphasis on the responsibility of the young offender for his acts and on the importance of protecting society from illegal behavior than did the **Juvenile Delinquents Act.**

The YOA recognizes the responsibilities of young persons as well as their legal rights. A young person charged with an offence has the same protection under our criminal justice system as that afforded to an adult. In some ways, the young person has greater protection; for example, the court appoints counsel for a young person charged with a federal offence who wishes legal representation but is otherwise unable to obtain it.

The YOA applies to persons between the ages of 12 and 17 inclusive who are alleged to have committed offences. A person aged 18 or over at the time of commission of an offence is proceeded against in ordinary court (i.e. adult criminal court). The YOA specifies that a person under the age of 12 cannot be charged. The **Criminal Code** has been modified, however, to ensure that individuals who counsel children under the age of 12 to commit crimes are themselves liable to criminal prosecution.

Because the YOA only deals with federal offences, it was necessary to enact complementary provincial legislation to make special provision for young persons charged with offences under provincial enactments or municipal bylaws. In B.C., the **Young Offenders (British Columbia) Act** came into force on 11 JUN 84. It provides that proceedings against young persons are governed by the ordinary procedure applicable to adults under the enactments breached, except for certain special protections and reduced penalties.

B. THE YOUTH JUSTICE SYSTEM

The federal and provincial **Young Offenders** acts, the federal **Criminal Code**, and the provincial **Offence Act** and **Correction Act** are the main elements in the legislative framework of the youth justice system in B.C. The components of the justice system — police, Crown counsel, legal services, courts, corrections — carry out their duties in the context of many social, educational, and health-related services. Because of the legislative framework, some of these services are an integral part of the youth justice system; others are a resource not only to the justice system but also to the young person and the community at large.

Role of The Police

In general, the role of the police in the youth justice system, as it is in the adult system, is to provide for community safety and security. There are some differences, however, arising both from provisions of the YOA and from custom.

The police have traditionally exercised a great deal of discretion as to whether to lay charges against a young person where an offence is relatively minor. A police officer may consider that a more appropriate course of action in a particular case would be to discuss the matter with the young person's parents and/or refer the parents or young person or child to a community social agency for voluntary counselling and assistance. In some cases, if requested, the police officer may work directly with a school or place of employment to remedy a problem. The police officer's knowledge of local resources and circumstances, as well as the immediacy of his authority, make it particularly appropriate that he exercise this screening function.

Where a child (under age 12) has acted unlawfully, a police officer may take charge of the child and deliver him to his parent, but the child may not be charged under either federal or provincial legislation, nor may he be photographed or fingerprinted. Where the living conditions of a child or young person are of extreme concern, the police or a social worker may apprehend him pursuant to the **Family and Child Service Act**.

Only a young person charged with or convicted of an indictable offence may be fingerprinted or photographed. Where a young person is arrested under the YOA and is not released by the police officer in charge, the young person's parents must be notified of the arrest. A police officer interviewing a young person about an offence must advise him that he has no obligation to make a statement, that any statement may be used as evidence in proceedings against him, and that he may consult another person (parent, lawyer, adult relative, or other appropriate adult of his choice) and have that person present during the interview. If the young person wishes to waive this right, that waiver must be in writing.

The police are generally the first contact with the justice system for those who break the law. When the police believe that there is sufficient evidence for a charge to be laid and it is appropriate to charge, the matter is referred to the local Crown counsel office.

Role of Crown Counsel

The role of Crown counsel is twofold: firstly, to review the cases referred by the police in order to determine the applicable charges and whether there is sufficient evidence to proceed; and, secondly, to decide which cases should be prosecuted, which diverted into alternative measures programs, and which referred back to the young person's parents by means of a letter of caution.

A letter of caution is a means of drawing the seriousness of the young person's behavior to the attention of his parents or guardian. Letters of caution are primarily used for relatively minor offences where there has been no significant previous involvement with the criminal justice system. Records are kept of letters of caution for purposes of further decision-making by Crown counsel, should the young person become involved in subsequent criminal activity. Letters of caution are not usually used for violations of traffic rules or for cases commenced by a ticket information where the penalty is paid voluntarily.

"Alternative measures" refers to voluntary programs entered by a young person as an alternative to having court proceedings taken against him. They often involve community service, counselling, and/or payment of compensation for the victim. All are described in Part II of this booklet. The YOA limits the use of alternative measures to cases where there is sufficient evidence to proceed with prosecution. The young person must accept responsibility for the offence and freely consent to participate in the program. When an alternative measures program has been completed, any charges laid in connection with the offence must be dismissed.

Cases involving serious offences or repeat offenders usually are taken to court. A charge is laid and Crown counsel assumes the function of prosecutor in the case.

Cases where Crown counsel requires more information than is contained in the police reports before deciding whether to prosecute and cases where diversion appears to be appropriate are referred to a probation officer for pretrial enquiry and, if applicable, negotiation of an alternative measures agreement with the young person.

In very serious cases, Crown counsel must consider whether to apply to the court for transfer of the case from the Youth Court to the ordinary criminal courts. The young person must be at least 14 years old as of the date of the offence and the offence charged must be indictable. A predisposition report is always prepared by a probation officer for these applications. The court will consider: the seriousness of the offence and surrounding circumstances; the age, maturity, character, and background of the young person; any previous involvement with the criminal justice system; the adequacy of dispositions available under the YOA and the **Criminal Code** to meet the circumstances of the case; and the resources available to the Youth Court and whether they have been exhausted or are inappropriate.

Role of the Probation Officer

The federal and provincial **Young Offenders Acts** assign numerous duties to "youth workers." In B.C., these are probation officers appointed under the **Correction Act**. As a youth worker, a probation officer may be involved in a case earlier and more often than would a probation officer for an adult offender There are several stages of proceedings at which the youth worker may be required to evaluate the individual needs of a young person as they relate to the justice services available.

If requested by Crown counsel, a probation officer will undertake a pretrial enquiry to assist Crown counsel in deciding whether to drop the matter, use alternative measures, or prosecute. The young person and his parents are interviewed. Schools, employers, other agencies involved with the young person, and the victim are consulted where appropriate. A report is prepared focusing on the alleged offence and the social circumstances of the young person. The report is done almost always before, rather than after, charges are laid.

If a young person is referred to an alternative measures program, the probation officer may have some continuing involvement with the young person, particularly if the alternative measures contract requires the young person to participate in more than one program. The main responsibility for monitoring compliance with the alternative measures requirements, however, is that of the agency operating the program.

A young person who has been arrested and charged may be released on bail while awaiting trial or disposition. Probation officers may be required to supervise the releases.

A predisposition report is prepared by a probation officer where requested by the court after a young person is found guilty or pleads guilty, or where transfer to adult court is being considered. Where the court is considering a custody disposition or transfer to adult court, a predisposition report must be ordered and, where a custody disposition is being contemplated, a predisposition will be ordered unless the prosecutor and the youth or his counsel agree it is not necessary and the Youth Court consents. Under the federal Act, these reports are most often required to be written; under the provincial Act, they are usually presented orally.

A predisposition report is based on interviews with the young person, his parents, and, often, the victim in the case. Background information, attitude, plans for improvement, history of previous offences and alternative measures, family relationships, school attendance and performance, and community services available are all areas which may be covered in a predisposition report. These reports may only be used in the court proceedings for which they are ordered; statements made in them may not be used against the young person in any other proceedings. Like other parts of the Youth Court record, reports in federal cases may only be disclosed as authorized by the YOA. In provincial cases, reports are kept confidential and only disclosed for criminal justice purposes or for administration of the disposition.

On review of a disposition, the court may request a progress report reviewing the performance of the young person since the disposition took effect. If a custody disposition is being reviewed, the court usually orders a progress report. The report is prepared by a probation officer and covers personal and social circumstances and performance of the disposition. For a review of a custodial disposition, a discussion of release plans and resources available will be included, as well as the young person's progress in the institution.

A young person who has been committed to custody may be temporarily released on the authority of the Commissioner of Corrections for medical, compassionate, or humanitarian reasons for purposes of rehabilitation or

reintegration into the community, to attend school, take a job, perform family responsibilities, or to participate in educational or training programs. Where a release is being considered, a temporary absence report is prepared concerning the appropriateness of the release for the young person. Probation officers prepare the community information contained in these reports; institutional case managers prepare the institutional information.

Where a young offender receives a disposition that requires supervision, such as probation or compensation, a probation officer is usually assigned to supervise the young person and monitor compliance with the order.

Role of the Courts

Once a decision has been made to proceed with charges against a young person, it is the role of the courts to hear the case against him, hear the defence, make a judgment as to guilt or innocence, make a disposition (sentence), and review the disposition if required.

Cases always begin in the Provincial Court of British Columbia. For federal offences under the federal YOA, the court is designated the Youth Court of British Columbia. Proceedings are started by the laying of an information, which is a sworn statement by a person (frequently a police officer) who has reason to believe that the young person named has committed the offence specified. A summons (or sometimes a warrant for arrest) is issued by a judge or justice of the peace and is served on the young person charged. Where practicable, a copy of the summons is also sent to the young person's parents. The summons gives the date on which the young person is to appear before the court. At that first appearance, the young person may plead guilty, or a date may be set for trial of the charges, or the court may adjourn to another date for any of a number of reasons, such as to allow the young person to consult a lawyer or the court to obtain a psychological assessment of the young person.

In serious cases where the young person is 14 years of age or older and is charged with an indictable offence (except those less serious indictable offences listed in **Criminal Code** section 483), Crown counsel may decide to apply to the Youth Court for a transfer to ordinary court, where proceedings against the young person are taken in the same way as they would be against an adult. If the application is granted, the young person would have the same rights as an adult to elect trial in a higher court, with or without a jury. Except for these transfer cases, trials of young offenders are held before a Provincial Court judge (appointed a Youth Court judge for federal offences) without a jury. Charges against young persons are held separately from those against adults, either in a separate court room or at a different time.

Court proceedings are conducted with strict regard for the rights of the young person. These are specifically recognized in the **Young Offenders Act**:

> 3(1)(e) young persons have rights and freedoms in their own right, including those stated in the Canadian Charter of Rights and Freedoms or in the Canadian Bill of Rights, and, in particular, a right to be heard in the course of, and to participate in, the processes that lead to decisions that affect them, and young persons should have special guarantees of their rights and freedoms;
>
> 3(1)(g) young persons have the right, in every instance where they have rights or freedoms that may be affected by this Act, to be informed as to what those rights and freedoms are.

Trials are heard in open court. The judge has discretion to exclude a spectator, however, where the judge feels it is necessary in the public interest or in order to protect a young person or child involved in the proceedings. No report of the court proceedings may be published that identifies either the young person charged with the offence or any other child or young person involved in the case, except where the police apply to the court to allow publication of the identities of dangerous young offenders in order to enlist the public's help in apprehending the offenders.

At trial, after hearing the evidence of both the Crown and the defence, the judge makes an adjudication as to whether the young person is guilty or not guilty of the charges against him. If the young person is found guilty, the judge then makes a "disposition," which is an order against the young person. The range of dispositions available includes:

- absolute discharge;
- conditional discharge;
- fine not exceeding $1,000;
- payment of compensation to a victim;

- restitution of property to an owner;
- payment to an innocent purchaser of stolen property which has been returned to its rightful owner;
- compensation in kind or personal services to a victim;
- community service order;
- prohibition, seizure, or forfeiture as authorized in any federal statute under which the charges were laid;
- detention for treatment;
- probation for a term not exceeding two years;
- custody for a term not exceeding two years or (where an adult would be liable to life imprisonment) three years or (for provincial offences) 30 days;
- consecutive sentences for new crimes committed prior to the termination of the disposition for an original offence (which may result in an aggregate sentence of more than three years); and
- prohibition from driving (for offences under the **Motor Vehicle Act**).

A young person may never receive a harsher disposition than an adult would be liable to receive for the same offence. Either a young person or the Crown may appeal an adjudication or a disposition (or both) to a higher court.

Both the federal and provincial acts provide a procedure for the court to review its dispositions to meet the often-changing needs and circumstances of young offenders. Except where there has been a breach of a disposition order or an escape or attempted escape, the review can never result in a more severe penalty than was contained in the disposition under review.

Role of Defence Counsel

The role of lawyers before the Youth Court is much more significant under the **Young Offenders Act** than it was under the **Juvenile Delinquents Act**. The YOA declares that young persons are entitled to the same rights and freedoms as adults under the Canadian Charter of Rights and Freedoms, which includes the right to retain and instruct counsel upon arrest or detention. Moreover, young persons are given "special guarantees" of these rights and freedoms. One special guarantee is the right to have counsel appointed if the young person is otherwise unable to obtain it. In B.C., appointment of counsel by court order is carried out by the Legal Services Society. Whenever a young person charged under the YOA requests counsel for a court hearing and does not qualify under the normal criteria for legal aid, and his parents refuse or are unable to supply him with a lawyer, the Legal Services Society is ordered by the court to appoint counsel. Costs of these appointments are shared by the federal government. The same is not true for young persons charged with provincial offences under the **Young Offenders (British Columbia) Act**. The young person may be represented by a laywer if he so chooses, but none will be appointed for him if he cannot afford one unless he qualifies for legal aid under the regular criteria. To qualify usually requires a risk of imprisonment, relatively rare under provincial statutes where young persons are concerned.

Any young person who is a ward of the Superintendent of Family and Child Service and who is charged with a federal offence is provided with counsel through the Ministry of Human Resources. The Legal Services Society will not appoint counsel for wards.

Applications for legal aid may be submitted directly to Legal Services Society offices or to area directors, who are private lawyers appointed by Legal Services Society to administer legal aid applications. In many parts of the province, community law offices and other agencies, such as the Salvation Army, the Elizabeth Fry Society, and the Native Courtworker and Counselling Association, also are authorized by the Legal Services Society to take applications for legal aid. Sometimes a young person may prefer the assistance of a courtworker or counsellor from a private agency to the appointment of counsel.

A young person has the right to retain and instruct counsel at any stage of proceedings, including any consideration of the use of alternative measures. The court will only direct appointment of a lawyer for a young person otherwise unable to obtain one, however, where there is a bail hearing, a hearing into an application for transfer to ordinary court, a trial, or a hearing on a review of a disposition. The Legal Services Society will only provide legal aid to eligible young persons at the same stages of the proceeding.

In many Youth Courts, the Legal Services Society arranges for duty counsel. Duty counsel will be a private lawyer retained to give assistance and summary advice to young persons in custody and, time permitting, those not in custody pending their first appearance. Duty counsel are not able to conduct trials for young persons.

Whether a young person's lawyer is obliged to act according to his own view of the young person's "best interest," rather than simply act on the client's instructions as he would for an adult, was a question often debated under the **Juvenile Delinquents Act**. The YOA, although it does not deal with the question directly, appears to support the position that the role of defence counsel acting for a young person is the same as it would be for an adult: to secure an acquittal, if possible, even if on "technical" grounds, or to obtain a disposition involving the least possible interference with the young person's liberty, subject to the client's instructions. This leaves evaluation of the young person's best interest to more appropriate personnel: probation officers, social workers, parents, and, ultimately, the judge. If the lawyer is retained by the young person's parents and the judge perceives a conflict between the interests of the young person and those of the parents, the judge will order appointment of independent counsel for the young person through the Legal Services Society.

Role of the Social Worker

A social worker may be involved in Youth Court proceedings as a resource where he has previously been involved with the young person or his family, especially if the young person is a ward of the Superintendent of Family and Child Service. A social worker may also be involved if referred by the police officer, probation officer, or other justice system personnel where there appears to be cause for concern about the young person's living circumstances. The social worker would then determine what assistance could be given to the family and whether intervention under the **Family and Child Service Act** to apprehend the young person and make him a ward of the Superintendent is necessary for his protection. The existence of the Youth Court proceedings is not considered sufficient ground on its own for intervention.

Role of Health Services

Young persons in conflict with the law often have related problems that fall within the mandate of the Ministry of Health. Community Care Services (which includes the Forensic Psychiatric Services Commission, Mental Health Services, and Alcohol and Drug Programs) is the division of the Ministry of Health that is primarily responsible for delivery of health services to adolescents who have (or are suspected of having) psychiatric, psychological, or alcohol or drug problems.

Services provided for young persons in conflict with the law include: court-ordered medical, psychological, and psychiatric assessments; court-ordered outpatient treatment as a condition of probation or bail; consultation, assessment, or outpatient treatment for probation or bail cases and for young persons in custody in correctional facilities (not specifically court-ordered services); consultation or assessment for purposes of a pretrial inquiry; and outpatient treatment as a part of an alternative measures agreement.

There are also other Ministry of Health services which relate to young persons and children generally, including public health nurses, public and mental health centres, alcohol and drug programs, and the Maples Adolescent Treatment Centre in Burnaby.

Medical and psychological reports ordered by the court have strict conditions of confidentiality imposed on them. Like other parts of the court record, they may only be disclosed to specified persons for specified reasons: generally, participants in the proceedings, such as the young person, parents, or counsel, or persons with a specific responsibility relating to the administration of justice, such as police, courts, or parole boards. Others wishing to see parts of a court file, such as the medical reports, must satisfy a Youth Court judge that they have a valid interest and the disclosure is desirable in the public interest or for the proper administration of justice. An exception is made to permit a qualified person (doctor, psychiatrist, or psychologist) who believes that the young person is likely to endanger his own safety or that of others to warn anyone who has the care and custody of a young person in detention or custody, whether or not that information is contained in a report. Unlike other parts of the court record, a judge may order a medical, psychiatric, or psychological

report to be withheld from the young person or his parents (but not the young person's counsel) where the report states that disclosure would likely be detrimental to the treatment or recovery of the young person or would likely result in harm to a third party.

Role of Education

The role of education is very important in both the prevention and rehabilitation of delinquency. Problems of a child or young person that can lead to delinquent behavior are very often visible in school. The school can act to identify the problem and forestall more serious developments by an early response. An appropriate educational program can deal with educational disabilities. Assistance can be given in the school for physical and emotional problems or a referral can be made to another appropriate agency. Where a young person is involved in illegal activity, the joint efforts of justice system personnel and school officials may be used to help the young person complete his education and move through the adolescent developmental stage without becoming trapped in a criminal lifestyle.

Role of Private Agencies and Organizations

Private agencies play an increasingly large role in the youth justice system. They provide contract and volunteer services for alternative measures, probation, and bail supervision programs. Often, they can offer a degree of flexibility and personal involvement not possible in government programs.

Community Involvement

The underlying principle of all of the programs described in this booklet is that judicial dealings with a young person should be handled in his own community whenever possible. This is because the aim of youth justice programs is to change the attitudes that lead to criminal activity. In making such changes, the young person must adopt new attitudes and learn new behaviors and be able to maintain them in the inevitable confrontation with his former attitudes and patterns of behavior. The young person must see the new patterns as appropriate to his community and have examples of that close at hand. Community involvement is thus essential to the most effective operation of the youth justice system.

Individual volunteers and community groups are involved in many different types of programs, including: preventive programs, such as the early-intervention youth and family counselling programs operated through some police departments; community law offices; alternative measures programs; bail and probation supervision; and programs for young offenders on probation. The Special Projects section of the Policy Planning Branch, Ministry of Attorney General, has a program that makes core funding grants available to established organizations which provide justice services to young offenders. Special Projects also oversees the monitoring and evaluation of community organizations' funded alternative measures programs.

Individual citizens can participate on a local level through Youth Justice committees, established under section 69 of the YOA. In B.C., Family Court committees established under the **Provincial Court Act** which have signified their wish to get involved with juvenile justice issues may be appointed Youth Justice committees. A Youth Justice committee works cooperatively with the police, courts, and youth workers. In particular, the committee: considers and examines resources of the community available for young offenders; assists the court where requested; makes such recommendations to the court and to the Attorney General as it considers advisable; upon request, assists the judge and officers of the court to provide a community resource or assistance in individual cases referred to it; and reports annually to the municipality and the Attorney General on its activities. Members of these committees serve without pay.

There is also a citizens' Youth Program committee, appointed under section 33 of the **Correction Act**, advising the Attorney General on policy at a provincial level. Members are appointed by order-in-council for three-year terms and generally serve without remuneration other than payment for expenses. The committee may be concerned not only with Ministry of Attorney General youth justice programs but also with activities of the ministries of Social Services and Housing, Health, and Education where they relate to youth justice services. The committee meets on occasion with the Attorney General and makes an annual report.

Justice System Records

One of the chief concerns of the drafters of the YOA was that young people who come into conflict with the law should not be forever stigmatized by youthful mistakes. To this end, the Act requires that police, Youth Court, and government and private agencies keep confidential all records, including fingerprints and photographs, respecting young offenders and young persons suspected of offences, allowing disclosure only to certain persons for specified reasons (including police for continuing investigations). Furthermore, except in cases of acquittal by reason of insanity, these records may not be used after a specified length of time. The length of time that records may be used depends upon the outcome of the case and upon the young person's other involvement with the criminal justice system. For example, records kept in connection with a charge for which the young person is acquitted (except by reason of insanity) may not be used after a maximum of three months, whereas records concerning an indictable offence for which the young person is convicted may not be used following a pardon or a five-year period after termination of all indictable dispositions.

Role of the Federal Government

Under a cost-sharing agreement with the provincial government, the federal government shares in almost all of the costs of the juvenile justice system related to the YOA. The agreement calls for an implementation grant to the province, to be used in the youth justice system as the province sees fit. It includes sharing of costs in all areas of youth justice relating to the federal Act except for capital costs, police, Crown counsel, and courts, and access to separate funds established by the federal Ministry of the Solicitor General to support program development initiatives, information systems development, and research initiatives relating to the implementation of the YOA. Costs of administering the **Young Offenders (British Columbia) Act** are borne solely by the province.

The Research and Evaluation Fund and the Program Development Fund are accessible to private sector organizations and individuals, as well as to the provincial and municipal governments. To be eligible for funding from the Program Development Fund, projects must relate to: implementation of new features of the Act, such as alternative measures; innovative techniques or strategies with respect to policies and procedures outlined in the Act; or technology transfer, i.e. the sharing of information and experience gained in operations under the Act, such as training within a community organization or communication between organizations. The maximum length of time for funding a project is three years. Projects must be developed in liaison with federal and provincial agencies with responsibilities for juvenile justice. Most types of projects also must be able to show that they have a good chance of being continued with other funding once the project phase, paid for by the fund, is completed.

Conclusion

The many agencies described in this chapter comprise a network of services within which the youth justice system operates as only one part. Although this booklet focuses on that part, it must be remembered that the youth justice system is a last resort. Health, educational, and social resources are available throughout the province. A major concern of those working within both government and the private sector is to limit the demand for use of the justice system.

The specific services described in this booklet may not be fully available at all centres, particularly smaller centres. Local offices, listed in the appendices to this booklet, should be consulted with respect to what is locally available.

Part 2

PROVINCIAL PROGRAMS

Part II

PROVINCIAL PROGRAMS

The essential premise in the provision of programs for young persons in conflict with the law is that the family should be supported in its role as the basic unit of social development. If assistance or control is required, only that which is specifically pertinent to the problem should be provided or applied. The YOA specifically reinforces this approach in its statement that "parents have responsibility for the care and supervision of their children, and, for that reason, young persons should be removed from parental supervision either partly or entirely only when measures that provide for continuing parental supervision are inappropriate." Most young people who come into formal conflict with the law never offend again. Of those who do, many grow out of their delinquent behavior, with or without assistance, and go on to become productive citizens. Very few require removal from the home.

A variety of programs have been developed for cases where removal from the home is necessary. Some provide part-time or full-time short-term residential care and control in local communities. Others, fewer in number and generally located near the large urban centres, provide long-term residential care and control.

This part of this booklet describes residential and non-residential programs according to the ministry offering them.

A. ATTORNEY GENERAL

The **Correction Act** creates a branch of the Ministry of Attorney General charged with all matters relating to correctional centres, youth containment centres, and the correction and treatment of persons who offend the law. The Corrections Branch is headed by the Commissioner of Corrections. Under section 35 of the **Correction Act**, the Commissioner is responsible for establishing programs for young persons, which may include a restitution or compensation program, a community service program, an attendance program, a probation supervision program, and a containment program. As the designated "provincial director" under the YOA, the Commissioner or his delegate has numerous responsibilities under the Act as well, including: preparation of predisposition and progress reports; probation supervision; assignment of young offenders to places of temporary detention in either open or secure custody as ordered by the court; initiation of "automatic" reviews under section 28 where there has been a custody disposition for a period of more than one year; participating in reviews of custodial and non-custodial dispositions; authorizing temporary absences; recommending release on probation; and assigning cases to "youth workers" and defining their duties.

In B.C., the youth workers are probation officers employed by the Corrections Branch. They play an important role in placement of young persons and young offenders in appropriate programs for both alternative measures and dispositions. Although Crown counsel makes the final decision on alternative measures and the judge makes the final decision on disposition or review, the recommendation of a probation officer contained in a pretrial inquiry, predisposition report, or progress report is often provided.

Alternative Measures

Alternative measures programs may be organized in a variety of ways. Some are administered by Corrections Branch probation officers; some are run by community-based organizations with funding from the Corrections Branch; some are funded by a municipality or are totally volunteer-based. Activities often included in alternative measures programs are community service, an apology to the victim, financial compensation to the victim, victim service, courses, group and individual counselling, job-finding programs, essay-writing, crafts, and recreation. Although most programs involve some paid full- or part-time staff, many rely heavily on volunteers.

Temporary Detention

Where a young person is taken into custody after an arrest and is not released by the officer in charge, he is ordinarily held pending a bail hearing in a cell separated from adults in the local police lock-up. The exceptions are Vancouver and Victoria, where the youth detention centres may be used for this purpose.

If a judge or justice of the peace finds sufficient cause not to release a young person pending his hearing or disposition, or if he must be held for some time until bail is completed, he is ordered to a designated place of temporary detention. The Willingdon and Victoria Youth Detention Centres are currently the only facilities available for temporary detention of young persons; new facilities are planned for the Northern and Interior regions of the province. Although transfer to the secure setting of a youth detention centre may be appropriate or required in some cases, institutionalization often has negative effects, is costly,and removal from the community creates problems in travel for court appearances and in planning local programs for disposition. As an alternative, the Corrections Branch has contracted for a number of private bail hostel placements throughout the province where a young person may reside as a condition of his release on a recognizance of bail pending hearing or disposition.

Probation

A common type of disposition for young offenders is the probation order. Other types of orders, such as community service orders, may be made together with probation orders. Certain terms of the probation order are statutorily prescribed: the young person must keep the peace and be of good behavior and appear before the court when required. The federal and provincial Acts set out other common terms that the court may add; for example, that the young person must provide notification of any change in address or place of employment, education, or training, must report to and be under the supervision of a youth worker or other designated person, or attend a specified place of learning, training, or recreation. The Acts also allow the court to add other reasonable conditions.

Probation supervision, where required by the terms of the probation order, is undertaken by probation officers. Volunteer sponsors may assist in some cases. Supervision includes regular contacts. Advice and guidance is provided to the young person and may include other members of the family. Assistance in job searching and liaison with school authorities may be undertaken. Probation officers provide what personal, individual assistance they can but also encourage the young person to use existing community resources, such as Big Brothers (Sisters) or Canada Manpower.

Programs that may be used as conditions of probation come from a variety of resources: community-based agencies supply recreational and activity programs; the Ministry of Health supplies counselling and treatment programs; the Ministry of Social Services and Housing provides foster- or group-home placements or other specialized support services; the Ministry of Education supplies school and training programs; and private contractors and community agencies run attendance programs under contract with the Corrections Branch.

Attendance programs may be day or evening non-residential programs, weekend programs, or full-time residential programs. The day and evening programs are intended for young people who are at "loose ends" during the day, after school, or in the evenings and who do not usually get involved in community-centre programming or after-school programs. They offer activities, education, and/or recreation and counselling. They have often been developed within the community with the assistance of the local probation officer and with funding from the Corrections Branch.

Weekend programs most often require attendance from Friday night to Sunday afternoon. The weekend period is the high-risk time for commission of offences.

Full-time residential programs are run under contract to the Corrections Branch by private contractors or organizations. The specific content of the programs varies from one attendance centre to another, but generally consists of counselling, education, vocational training, and recreation, or, in some places, wilderness challenge. Community service work is also an element in some programs.

The YOA requires a youth worker to give "such assistance to (the young person) as he considers appropriate." Thus, even where not specifically included in the probation order, the probation officer may arrange a treatment or other program for a young person on probation where the probation officer considers such a program to be appropriate and the young offender and his parents or guardians consent.

Probation orders, like other disposition orders, may be varied by the court on a review. An application for review may be made by the young person, his parent, Crown counsel, or the Corrections Branch. It cannot

result in a more onerous order than the original disposition. Where there has been a breach of the order, however, the YOA allows quick police and correctional intervention by way of arrest and detention. For provincial offences, a charge of breach of probation may be laid under section 16 of the provincial Act and an additional disposition made.

Community Service

The practice requiring youthful offenders to perform appropriate work for the benefit of the community or the victim(s) of an offence goes back many years in British Columbia. It was usually arranged informally at the initiative of the probation officer. In 1974, a more formalized organization of this activity was undertaken by the Corrections Branch and special community service officers were hired to develop blocks of potential activities and to oversee young people carrying out such work. Community service programs may be contracted with individuals, private societies, or umbrella agencies. General assistance for the handicapped, the elderly, citizen groups, hospital services, service clubs, etc., is the most common type of activity. In making a community service order on disposition of a case, the court usually orders the young person to perform a specified number of hours of community service within a set time-frame; the community service worker or probation officer usually determines the appropriate program, although, in some cases, the court may specify a particular placement or type of activity.

Custody

The YOA recognizes young persons' rights to the least possible interference with their freedom that is consistent with the protection of society. It also recognizes the need of the community for protection from a young person who is dangerous to the public, however, and the need to emphasize personal accountability and the reasonable consequences of illegal behavior. Therefore, it has provided for custody orders on disposition. Custody orders are made for limited terms and must not exceed the maximums set out in section 20 of the Act: two years, except where the punishment provided by the **Criminal Code** is life imprisonment, in which case the maximum is three years. Where more than one disposition is made with respect to different offences, the continuous combined duration must not exceed three years (except in cases where new crimes have been committed after the commencement of, but prior to, termination of disposition in respect of the original offence). Under the provincial Act, custody orders may only be made with respect to charges under section 16(1) of that Act for breach of a disposition and to those serious **Motor Vehicle Act** offences where a minimum period of imprisonment is requred for an adult convicted of the same offence. The maximum term in these instances is 30 days.

Under the YOA, there are two types of custody: open and secure. In practice, open custody differs from secure custody in that staff supervision and geographical isolation are the major forms of control. High security measures like perimeter fencing and locked doors are not generally used. The Commissioner of Corrections has designated the following facilities as places of open custody: Centre Creek Camp, Chilliwack — 30 beds, and the satellite Pierce Creek Camp — 20 beds; Holly Cottage, Burnaby — 24 beds, and the satellite Southview Youth Containment Centre — eight beds; Lakeview Camp, Campbell River — 30 beds, and the satellite Snowden Youth Camp — 10 beds; and the Burnaby Community Correctional Centre — 18 beds. Additional open custody facilities totalling 66 beds are proposed (including High Valley Open Custody Centre — 30 beds, due to open in October, 1986).

Secure custody, as the name implies, is more closely controlled and escape is more difficult. It is generally reserved for offenders aged 14 or over who have committed a serious offence or who have a past record of serious offences, and for young offenders who have been convicted on charges of escape or attempted escape. Secure and open custody may only be used where the judge considers it necessary for the protection of society. The Victoria and Willingdon Youth Detention Centres and the Chilliwack River Youth Containment Centre have been designated as places of secure custody. An isolated and more heavily staffed camp, Boulder Bay, has also been designated as a place of secure custody and will be used for sentenced male young offenders pending the development of new facilities to accommodate the increased age jurisdiction of the Act. An additional 48 beds of secure custody

facilities are proposed for the province to replace Boulder Bay Camp and Chilliwack River Youth Containment Centre.

Under the federal Act, the judge making a custodial disposition specifies whether the young person is to be held in open or secure custody. It is then up to the Corrections Branch to choose a facility within the specified class. The Branch may transfer the young person between facilities within the class, but may only transfer from a place of secure custody to open custody with the approval of the Youth Court, and from a place of open custody to secure custody in cases of escape or attempted escape or where it is necessary for the safety of the youth or others, and then only for a maximum of 15 days. A longer term transfer to secure custody would require a new charge to be laid.

Where a custody disposition is made under the provincial Act, the Corrections Branch decides on the appropriate placement and any transfers thereafter.

The programs offered in open and secure custody facilities are founded on the principle of "normalization," which means that, given the practical limits of a place of custody, the daily routine of a young person should resemble as closely as possible that which would occur in the community. Accordingly, school is the major program activity of open and secure facilities. Access to community programs and educational facilities may be through either temporary release or services provided within the institution by outside agencies.

Custody orders, like other dispositions, continue in effect even after the offender becomes an adult. The Corrections Branch, however, may apply to the Youth Court for authority to transfer an offender who has reached the age of 18 to an adult facility. After affording the offender an opportunity to be heard, the court may order the transfer if it considers it to be in the best interests of the offender or the public. For provincial offences, the transfer may be done without a court order by the Commissioner of Corrections.

Custody orders are subject to the court's review. There is an automatic review after one year. At an earlier time, or where the custody order is for a shorter period, an application for review may be made to the court by the young person, his parent(s), the provincial director, or the Attorney General or his agent. The provincial director, without a court order, may authorize a temporary release for a period of up to 15 days or for specified hours on certain days for educational, vocational, medical, compassionate, or humanitarian grounds, or for rehabilitation or reintegration into the community. The provincial director may recommend that the young person be released to probation and, provided the young person, his parent(s), or Crown counsel do not object and the court consents, the young person may be so released.

B. HEALTH

The Ministry of Health provides a broad range of health care services on a direct or indirect basis to young persons in conflict with the law. Individuals with serious illnesses or emotional difficulties may be admitted to hospitals on an emergency basis. Under the British Columbia Medical Plan, referrals to private physicians and psychiatrists may be made when needed.

Community Care Services, including the Forensic Psychiatric Services Commission, Mental Health Services, and Alcohol and Drug Programs, is the division of the Ministry of Health primarily responsible for delivery of health services to young persons who have or are suspected of having psychiatric, psychological, or alcohol or drug problems.

Forensic Psychiatric Services has the legislated mandate under the **Forensic Psychiatric Services Act** to provide psychiatric and psychological assessment and treatment to individuals who appear before the court.

Mental Health Services has the mandate under the **Mental Health Act** to provide outpatient assessment, treatment, and consultation services through its mental health centres to children and adolescents with serious emotional or mental disturbances.

Alcohol and Drug Programs is responsible for providing outpatient, detoxification, and residential alcohol and drug programs for the general population in British Columbia.

Forensic Psychiatric Services

Under the **Juvenile Delinquents Act**, most psychological and psychiatric assessment and treatment of delinquents was done by Forensic Psychiatric Services through their two Juvenile Services to The Courts clinics in Burnaby and Victoria and their travelling clinics. As these services were limited in outlying areas, many assessments under the

Juvenile Delinquents Act required the detention of the juvenile at the Burnaby or Victoria Youth Detention Centres.

Under the YOA, Forensic Psychiatric Services retains primary responsibility for Ministry of Health services for young offenders. Forensic Psychiatric Services provides direct services through Juvenile Services to The Courts clinics, located in Burnaby and Victoria, for young persons in North Vancouver, West Vancouver, Vancouver, Richmond, Burnaby, and Victoria. In order to increase the level of service available in other areas of the province, Forensic Psychiatric Services contracted with Mental Health Services to provide young offender services through their 28 mental health centres, which are located throughout the rest of the province. Travelling clinics still deliver psychological and, especially, psychiatric services for young offenders in areas that lack appropriate local resources for assessment or treatment. In some instances, if local resources are inadequate, a young person may be referred to the Burnaby or Victoria clinic for a psychiatric or multidisciplinary assessment.

Screening Services

The Ministry of Health, through Juvenile Services to The Courts, provides psychological/psychiatric assessments at the request of Crown counsel or Probation Services to assist them in making screening decisions when the presence of emotional disturbance or dysfunction is suspected and diversion from formal court proceedings may be appropriate.

Alternative Measures

Juvenile Services to The Courts provides treatment for young offenders when Crown counsel or Probation Services considers this to be the most appropriate alternative to judicial proceedings.

Judicial Interim Release Supervision

Assessment and treatment services are occasionally needed by young persons under supervision of probation officers while the young persons are on judicial interim release (bail). If requested by a probation officer, Juvenile Services to The Courts will provide psychological and psychiatric assessment and treatment services for these juveniles where clinical intervention is deemed necessary due to mental or emotional disturbance.

Court Ordered Assessments

Juvenile Services to The Courts performs psychological and psychiatric assessments to assist the Youth Court in considering transfers of young persons to the ordinary courts, determining issues of fitness to stand trial and insanity at the time of an offence, and making and reviewing dispositions.

Custodial Services

The Ministry of Health, through Juvenile Services to The Courts, provides assessment, treatment, and consultation services to youth detention centres. These services are for young offenders in custody who are suspected of suffering from mental or emotional disturbance requiring psychiatric or psychological intervention.

An inpatient assessment unit, to be located next to the Juvenile Services to The Courts clinic in Burnaby, will provide inpatient assessments ordered by the court. Pending completion of this new facility, interim arrangements have been made with Corrections Branch to use part of Magnolia Cottage, Burnaby, for in-custody assessments.

Probation Supervision

Section 23(2)(g) of the YOA provides that the Youth Court may make a probation order which may include such "reasonable conditions . . . as the court considers desirable, including conditions for securing the good conduct of the young person and for preventing the commission by the young person of other offences." The Youth Court may therefore order young offenders to receive treatment or counselling as a condition of probation. Further, probation officers may advise young offenders to voluntarily receive assessment or treatment if it is suspected that they are suffering from a mental or emotional disturbance. Juvenile Services to The Court is a resource for probation supervision of these young offenders. In addition, probation officers may request consultations with psychologists, psychiatrists, or social workers for the purpose of probation supervision. The Juvenile Services to The Courts clinic at Burnaby offers some special treatment programs not available at mental health centres, such as programs for sex offenders and violent offenders. Programs are also available for psychotic and borderline young offenders and those that are considered conduct disordered.

Both the Burnaby and Victoria clinics provide psychological and psychiatric assessment and treatment on an individual basis as well as consultations with parents and social service agencies.

The Juvenile Services to The Court clinics provide initial and continuing training to professionals employed by the mental health centres to prepare court-ordered assessments. They also have a research and evaluation capacity.

The Ministry of Health performs all the above psychological and psychiatric assessments, including learning disability assessments, and supplies treatment resources through Juvenile Services to The Court and mental health centres.

Alcohol and Drug Programs

Alcohol and Drug Programs, through 40 outpatient clinics in the province, provides court-ordered and case management counselling and non-court-ordered assessments and consultation involving young offenders whose primary problem involves alcohol or drug abuse. Court-ordered assessments are referred to Juvenile Services to The Court or mental health centres. There are no separate alcohol/drug residential or detoxification programs for persons under 18 years of age, and only Pender Detoxification Centre in Vancouver accepts both adults and young persons under 18 years of age.

Adolescent Residential Treatment Services

Where a young person is psychiatrically ill, he may be referred to the Maples Adolescent Treatment Centre. The Maples, as it is known, is administered by the Forensic Psychiatric Services Commission on behalf of the Ministry of Health. It is a designated provincial mental health facility under the **Mental Health Act**. The facility provides treatment for adolescents in British Columbia who are psychiatrically ill, including young offenders. Adolescents are defined as those who have reached their twelfth, but not their seventeenth, birthday.

The Maples residential treatment program in Burnaby includes three open cottages, each housing 12 adolescents, and a secure unit of three cottages with a total of 25 beds. The multidisciplinary staff includes psychiatrists, social workers, child care counsellors, nurses, and psychologists. The Maples School is situated on-site and is operated by the Burnaby School Board. The day-program provides support to Lower Mainland graduates of the residential program as they make the transition back into the community.

Each treatment program operates as a therapeutic environment. An adolescent's treatment plan may incorporate individual, group, and family counselling, psychotherapy, life skills training, and social, vocational, and recreational programs. Clinical leadership is provided by a team of sessional psychiatrists.

Referrals to The Maples can be made by psychiatrists, physicians, community mental health centres, probation officers, school counsellors, social workers from the Ministry of Social Services and Housing, and other agencies working in the mental health field. A psychiatric assessment must be done prior to admission and it must be demonstrated that all available community resources have been exhausted. Conduct-disordered and thought-disordered adolescents are referred to an interministerial, multi-regional committee where cases are placed in order of priority. A further screening takes place by an admissions committee at the Maples. Young offenders must meet these admission criteria in the same manner as other adolescents.

A transition house, which accommodates approximately eight adolescents, is used to aid the re-entry of young persons into the community after their period of treatment at The Maples.

C. EDUCATION

The Ministry of Education is the arm of the provincial government responsible for setting standards and curricula and providing funding in order that children residing anywhere in British Columbia can be adequately educated. It plays a direct role in the youth justice system by providing educational programs through local school boards for young offenders in custody and in attendance centres. Since school experiences have a significant impact on a child's behavior and personality, the diversity of educational programming available to all children and young people is also an aspect of youth justice services.

Under locally-elected school boards, schools offer a range of accredited courses that lead to graduation in the academic or vocational stream. Each school district is governed

by the **School Act** and its regulations, Ministry policy, and the policy decisions of the individual school board.

It is public policy in British Columbia that every child is entitled to an education. Specific responsibility under section 155 of the **School Act** rests with the local board of school trustees of the district in which the child resides. The **School Act** requires each school board to provide the basic educational program in a variety of settings, using teachers on either regular or special assignment. Ministry policy is that educational opportunities should be provided by the usual method of enrolling a child in a school and a program wherever possible. When not possible, alternative strategies must be developed.

An educational program must be provided by school boards for children between the ages of six and 19 years, unless the physical or mental condition of the child is detrimental to the health and well-being of other children or unless the student, being over the age of 15, neglects or does not apply himself to his studies, or a student of any age is wilfully disobedient or harmful to others.

Many young people who are before the courts have difficulty at school. Also, many young people who are in some kind of trouble at school — whether for poor behavior, lack of attendance, or in relation to studies — get into trouble with the law as an expression of their frustration with "the system." Most schools have counsellors to assist students in determining acceptable courses of study to meet their needs and dealing with any related personal and school problems.

Sometimes matching the individual needs, learning capabilities, and personal interests of students is not possible within the regular programming offered at schools. In order to accommodate these students, the Ministry of Education, at the request of school districts, will share costs of a range of special education programs and activities, which are described in detail in *Special Programs — A Manual of Polices, Procedures, and Guidelines*, distributed by the Division of Special Education, Ministry of Education.

School boards are not required to provide their special education programs in the schools. They may provide them in a variety of settings and in a variety of ways: regular elementary or secondary school; part-time special classes; itinerant teachers in the home, hospital, treatment centre, rehabilitation centre, containment centre, alternative measures programs; special school or annex; segregated special classes; or education service in another school district through agreement between school boards.

Following are a number of special programs that may be appropriate for a young person who has been in trouble with the law.

- Rehabilitation Programs enable young people who are experiencing great difficulty at school or who have dropped out of school to acquire basic academic and social skills.
- Severe Behavior Programs are designed to meet the needs of students who exhibit a variety of excessive and chronic deviant behaviors that seriously interfere with their learning.
- Severe Learning Disabled Programs are provided to students who consistently perform far shorter in one or more areas than would be indicated by general estimated potential.
- Mildly Mentally Handicapped Programs provide specialized educational services through modified curricular materials and instruction methods for those students who learn at a slower-than-average rate.
- Indian Education Programs have been developed to meet the special learning needs of native children in the public schools.
- Homebound Programs may be provided to students who are not able to attend school for medical or other reasons. Students suspended by the board of school trustees may also be eligible to receive homebound services.
- Learning Assistance Programs are school-based services designed to assist students with mild learning problems while they receive the major part of their education in regular classes.
- Education Assessment Services provide an indication of how a student learns and identify the essential characteristics of an appropriate academic program.
- Provincial Resource Programs are located in a number of centres throughout the province. These programs offer specialized services for students who are held in containment centres, or are severely behaviorally-disturbed, severely learning-disabled, or physically or mentally handicapped.

Education may be very important in resolving the problems that lead to conflict with the law. School personnel can often offer significant assistance to a young person in trouble with the law, such as tailoring a particular course of education to meet certain needs or arranging a transfer to another school offering desired programs. School counsellors and the principal are the first line of information. An additional contact is the District Superintendent, who has a complete overview of available programs in the school district.

For further information on special education, contact the Executive Director, Division of Special Education, Ministry of Education, Parliament Buildings, Victoria, B.C., V8V 2M4.

D. SOCIAL SERVICES & HOUSING

The Ministry of Social Services and Housing becomes involved with planning for children and young persons by virtue of its legal mandate under the **Family and Child Service Act** for the protection of "children." (A child is defined under the **Family and Child Service Act** as being under the age of 19 years.) Involvement is mostly with children and young persons in the care of the Superintendent of Family and Child Service, but there are some services designed for the support of those living at home.

Support Services

The Ministry may assist by providing a special-services worker to work with a child or young person and his family in the home. Non-profit societies employ workers and then contract with the Ministry to deal with individual situations. Other in-home support such as a homemaker may be provided for limited periods of time. These services are aimed at those children or young persons who would be at risk of being removed from their homes without the provision of such support.

Rehabilitation Resources

The Ministry may contract with a school board or with a private society to provide a child care worker to help meet the special needs of a child in the classroom. Where local school boards establish a rehabilitation program of alternative education classrooms, the Ministry provides funding for child- care support-workers.

Repatriation

Young persons who are not in care and who are absent from their usual places of residence may be returned to their homes by the Ministry and may be placed in appropriate residential facilities for one or two nights while these arrangements are completed. No repatriation service is provided, however, until the Ministry is assured that any charges against the young persons have been dealt with or dropped.

Children in Care

Children and young persons may be taken into the care of the Superintendent in three ways: following the death of parents or guardian under the **Family Relations Act**; by agreement; or as wards after having been found by a Provincial Court judge to be in need of protection under the **Family and Child service Act**. A child "in need of protection" is defined in section 1 of the **Family and Child Service Act** as a child who is abused or neglected, abandoned, deprived of necessary care through the death, absence, or disability of the parents, deprived of necessary medical attention, or absent from home in circumstances that endanger his safety or well-being. If the police, youth workers, or Crown counsel refer a case where there are reasonable grounds to believe a child is in need of protection, a social worker in the Ministry of Social Services and Housing will investigate the circumstances, as required under section 8 of the **Family and Child Service Act**. Following investigation, the social worker will provide any appropriate service, including referral to another Ministry or community agency, or, if necessary, will intervene by apprehending the child and arranging an alternative placement. A young person charged with an offence may also be a "child in need of protection" under the **Family and Child Service Act** and the two matters (the charge and the Family Court apprehension proceeding) may proceed concurrently. The commission of an offence, however, is not a reason for apprehending under the **Family and Child Service Act**.

Children and young persons may also come into the care of the Superintendent under the **Family and Child Service Act** through an agreement with the parents. If a parent has a problem and seeks assistance from the Ministry of Social Services and

Housing, a social worker may provide counselling, referral, in-home support services, or may accept a child into temporary care on an agreement with the parent. There is provision in section 4 of the Act for a short-term agreement for a period of three months where a parent requires temporary assistance and in section 5 for a special-care agreement where the child is in need of special care. The special-care agreement is for six months and is renewable for periods of 12 months thereafter. Agreements under sections 4 and 5 may also be for intermittent care and custody to provide respite to a parent. These agreements give the Superintendent custody of the child while the parent retains guardianship.

Children also come into care under section 29 of the **Family Relations Act** which provides that, where a child is orphaned by the death of his parents or sole parent and no guardian has been named in the will, the Superintendent becomes the guardian of the person of the child and the Public Trustee becomes the guardian of the estate of the child.

Children in care are placed in foster homes, group homes, special care homes, and other approved child care facilities. Where necessary, the Ministry provides for residential care in specialized facilities through contract with the society or other operator of the facility.

Where a young person who is in the care of the Superintendent comes into conflict with the law, a Ministry social worker will work together with the probation officer to plan an appropriate alternative measure or disposition. The Ministry provides legal representation to all wards of the Superintendent charged with federal offences under the YOA, but only in exceptional circumstances to those charged with provincial offences. The Ministry does not supply lawyers to young persons in care who are not wards; they must apply to the Legal Services Society, as described in Part I of this booklet, if they wish legal representation and are otherwise unable to obtain it.

E. INTERMINISTRY COORDINATION

Interministry policy and management issues affecting the ministries of Attorney General, Health, Education, and Social Services and Housing are coordinated through three committees: policy, finance, and data systems, established by the deputy ministers of social services in these ministries for purposes of YOA operations. These committees were formed in September, 1984, to succeed the YOA Implementation Team.

At the local and regional levels, specific inter-agency case management and resource issues are addressed by inter-ministry children's committees, consisting of representatives from the four ministries and the relevant agencies. At the senior level, the Deputy Minister's Committee on Social Services assumes this role.